

Attorney Docket No.: 080437.48944US
PATENT

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above amendments and the discussion below.

Applicants invention has been discussed in the Response filed April 6, 2003, which is incorporated herein by reference. The following comments are addressed to the new rejection of claims 1-12 under 35 U.S.C. 103 as being unpatentable over Breed et al. U.S. Patent No. 6,405,132 in view of Thomason U.S. Patent No. 6,317,039. The statement of the rejection is contained at item 1 on pages 2-4 of the patent Office Action.

The reference to Breed et al. is a newly cited reference while the reference to Thomason was discussed in the previously filed Response of April 16, 2003. According to the "Response To Arguments" section on pages 4 and 5 of the Office Action, the previous rejection has been overcome, but there is now a new ground of rejection, which relies upon the previous reference to Thomason in conjunction with the newly cited reference to Breed et al.

Applicants respectfully traverse this rejection because each of independent claims 1, 7 and 8 provide structure limitations or method limitations not available from the references or any obvious combination of the references to one of ordinary skill in the art.

The reference to Breed et al. (U.S. Patent No. 6,405,132) concerns a system which prevents vehicle accidents by communicating the position of vehicles in the area to a host vehicle and determining whether any other vehicle represents a collision threat to the host vehicle based on the position of other

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vehicles. A warning is then given to the host vehicle to control the motion of the host vehicle. The statement of the rejection relies on portions of the specification at columns 70, 72 and 74. Bidirectional communication occurs between the host and the infrastructure. Communication between two different vehicles is limited to knowledge of their respective position, but only if both vehicles are equipped with Breed's system. The rejection particularly makes reference to column 74, lines 58 to 61 as an indication of a communication system for transmitting extracted relevant information from the first party to the second external party. It is quite clear that lines 58 to 61 of column 74 particularly indicate that information is transferred from a general purpose bus to "other vehicle subsystems". This does not mean "other vehicles", but rather it means "other subsystems" of the same vehicle. Furthermore, column 70, lines 18 to 44 indicates that there is transmitted and received information between various nearby vehicles through inter-vehicle communication subsystem 56. This communication consists of information containing the precise location of a vehicle, the latest received signals from GPS satellites, other road condition information, emergency signals, hazard warnings, etc.

As indicated in the rejection, the reference to Breed et al. does not mention a communication system "for a simultaneously transmitted telephone conversation between the first and second party and the relevant traffic information from the first party to the second external party". The reference to Thomason has been cited for such teachings, as indicated at the top of page 3.

The reference to Thomason U.S. Patent 6,317,039, as indicated in the April 16, 2003 Response, is a wireless video audio data remote system which

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allows and assists technicians in performing complicated tasks using technical support from an advisor positioned at a remote location. This is accomplished by camera and audio communication between the field technician and the master technician. The environment of Thomason gives no indication that such a system could be used in moving vehicles. If there is any contemplation of such use in a vehicle it would seemingly be to repair a vehicle which, of course, would not be accomplished in a moving vehicle situation and would have no relevance to the primary reference to Breed et al., which uses vehicle position information.

Therefore, it is submitted that the primary reference to Breed et al. has no contemplation of the claimed telephone conversation between the vehicles – even assuming that the “external party” is another vehicle – which is necessary to draw an analogy with the reference to Breed et al. The parties would not speak to each other from one vehicle to another in the reference to Breed et al. and, particularly, not in the manner detailed by the claim structure of the present invention. The claimed invention requires the initiation of a telephone conversation with extracted relevant information being transmitted along with audio information from the telephone conversation.

Applicants submit that the references of record are not combinable to obviate the present invention because there is no teaching or suggestion that the references could be combined in a manner required to meet the claim limitations of independent claims 1, 7 and 8, each of which require the simultaneous transmission of (1) a telephone conversation between a vehicle and a second external party, and (2) the relevant traffic information from the first party to the second party.

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The above amendment to independent claim 1 corrects an inadvertent repetition of three lines of independent claim 1. No new matter and no new issues are raised by this change.

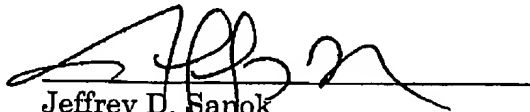
Therefore, in view of the distinguishing features between the claimed invention and the references, which features are not shown or disclosed or made obvious by any obvious combination of the references, Applicants respectfully request that this application containing claims 1-12 be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.48944US).

Respectfully submitted,

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